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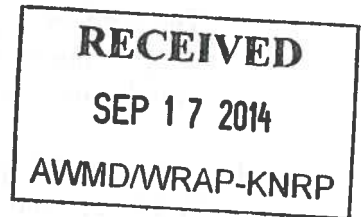
Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

September 15, 2014

Brenda B. Epperson
Environmental Manager
MRP Properties Company, LLC
P.O. Box 696000
San Antonio, TX 78269-6000



**RE: Comments on the Screening Level Ecological Risk Assessment Work Plan
MRP Properties Company, LLC
1400 South M Street, Arkansas City, Kansas
RCRA ID# KSD087418695**

RCRA



Dear Ms. Epperson,

The Kansas Department of Health and Environment (KDHE) and the Environmental Protection Agency (EPA) Region 7 reviewed MRP's document dated August 22, 2014, submitted by MWH Americas, Inc. on behalf of MRP Properties Company, LLC (MRP) for the Former Total Petroleum Refinery in Arkansas City. The Screening Level Ecological Risk Assessment (SLERA) Work Plan is required under Section III.H. of the Part II Permit. The SLERA work plan reviews existing surface water and sediment data and details methods to be used in the preparation of a baseline human health risk assessment. KDHE and EPA have the following comments:

General Comments:

Overall the SLERA work plan looks very good. The EPA ecological risk assessors have requested the opportunity to review the investigative work plans for soil, surface water, and sediment which explain the details of sample collection for data that will be used for the SLERA. KDHE will coordinate with the EPA project manager to ensure that the above documents are disseminated to the ecological risk assessors as they are received. MRP will not be required to generate additional copies of these documents for the EPA risk assessors.

Specific Comments:


1. **Section 1.2.3 (p. 1-3).** MRP states that the current storm water detention ponds will remain in use but is not clear whether or not they will be included in the ecological risk assessment. Please revise this section to note that the storm water detention ponds will be evaluated in the ecological risk assessment.
2. **Section 2.1.3.1 (p. 2-3).** Section 2.1.3.1 describes the groundwater treatment system. Please revise this section to note that the bioreactor tank and oxidation ponds are currently operated under a National Pollutant Discharge Elimination System (NPDES) permit.
3. **Sections 3.1.1 and 3.2.1 (pp. 3-1 and 3-3).** Section 3.1.1 states that historical data are not appropriate for the SLERA and therefore will not be used. Instead, results from the 2010 Exposure Unit

Supplemental Soil Investigation for the Process Area, Junk Storage Area, and Construction Debris Landfill will be used to evaluate ecological exposures. Further, Section 3.2.1 states that additional soil sampling will be conducted to fill data gaps as described in the Soil Investigation Work Plan for the site. The EPA ecological risk assessors would appreciate a further explanation of soil samples that will be used in the SLERA (a map), how the data gaps were determined, and the areas where the new soil samples will be collected.

4. **Section 3.2.3 (p. 3-4).** Section 3.2.3 describes the proposed protocol for sediment sampling at SWMUs 9, 10, 11, and 23. KDHE acknowledges that the use of BER guidance document BER-RS-006 is acceptable for use in investigation of the storm water ponds but the number of samples stated may not be sufficient for risk assessment purposes. The exact number of samples and sample locations will be addressed in the Surface Water and Sediment Investigation Work Plan.
5. **Section 4.1 and Figure 4-1 (p. 4-1to 4-4).** Overall, the conceptual site model accurately describes contaminant transport, completed exposure pathways, and potentially impacted ecological receptors. However, the EPA ecological risk assessors disagree that ephemeral storm water retention ponds could not support aquatic invertebrates. As soon as puddles form, meiofauna (e.g., ostracods, copepods, cladocerans) will begin to hatch. Meiofauna are predators and prey. The CSM needs to show the benthic invertebrate column as a complete exposure pathway for on-site surface water and on-site sediment. The EPA ecological risk assessors also find that the CSM needs to show benthic invertebrates as complete exposure pathways as prey items and all aquatic invertebrates would come into contact with off-site surface water.

Please respond to these comments by October 13, 2014 and submit revised pages as necessary. I would recommend a conference call between all parties to address any points of concern. If you have any questions, please contact me by phone at (785)-291-3760 or e-mail at (mvishnefske@kdheks.gov).

Sincerely,



Mark Vishnefske
Environmental Scientist III
Hazardous Waste Corrective Action and Geology Unit

cc: Jay Mednick – MWH
Brad Roberts – EPA Region VII - AWMD/WRAP
Allison Herring – DEA/SCDO/Waste Programs
Bill Bider – BWB